

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ROBERT WALSH	:	No. 3:22-CV-1163-JFS
	:	
Plaintiff,	:	
	:	
v.	:	TRIAL BY JURY OF TWELVE
	:	(12) DEMANDED
NORTHAMPTON COMMUNITY	:	
COLLEGE, ET AL.,	:	
Defendants.	:	

MOTION OF DEFENDANTS,
NORTHAMPTON COMMUNITY COLLEGE AND KAREN ANGENY,
TO DISMISS PLAINTIFF'S COMPLAINT, WITH PREJUDICE,
PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 12(b)(6)

Defendants, Northampton County Community College and Karen Angeny (hereinafter referred to as “Moving Defendants”)¹ by and through their attorneys, *King, Spry, Herman, Freund & Faul, LLC*, respectfully move this Honorable Court to dismiss Plaintiff’s Complaint, with prejudice, brought against them pursuant to Federal Rule of Civil Procedure 12(b)(6)², and in support thereof, respectfully aver as follows:

1. Plaintiff, Robert Walsh (hereinafter referred to as “Plaintiff”), instituted a cause of action against Moving Defendants by filing a Complaint with this Honorable Court on July 27, 2022.

¹ On September 20, 2022, this Honorable Court issued an Order of Court granting the Motion of John E. Freund, III, Esquire, to Withdraw as Counsel for Defendants, Leslie Gates and Does 1-20, inclusive.

2. In Plaintiff's Complaint, Plaintiff brings the following causes of action against Moving Defendants:

Count One: Title IX of the Education Act Amendments of 1972;

Count Two: Americans with Disabilities Act of 1990 (42 U.S.C. § 12101);

Count Three: Section 504 of the Rehabilitation Act of 1973;

Count Four: Negligent Infliction of Emotional Distress;

Count Five: Intentional Infliction of Emotional Distress; and

Count Six: Breach of Contract.

See Complaint, a true and correct copy of which is attached hereto and identified as Exhibit A.

3. Plaintiff's claims against Moving Defendants fail as a matter of law against Moving Defendants, and therefore, Moving Defendants are entitled to a dismissal of Plaintiff's Complaint, with prejudice, pursuant to Fed.R.Civ.P. 12(b)(6).

4. Counts 1 through 6, inclusive, of Plaintiff's Complaint fail as a matter of law against Moving Defendants, and therefore, Moving Defendants are entitled to a dismissal of Plaintiff's Complaint, with prejudice, pursuant to Fed.R.Civ.P. 12(b)(6).

5. Plaintiff's Complaint fails to state a claim upon which relief can be granted and therefore, Plaintiff's Complaint should be dismissed, with prejudice, pursuant to Fed.R.Civ.P. 12(b)(6).
6. Moving Defendants file this Motion to Dismiss Pursuant to Federal Rule of Civil Procedure 12(b)(6) and incorporate by reference, in totality, the Moving Defendants' Brief filed simultaneously with the Motion to Dismiss.
7. For the reasons set forth in Moving Defendants' Motion to Dismiss and Brief in Support thereof, Plaintiff's Complaint against Moving Defendants should be denied and dismissed with prejudice.

WHEREFORE, Moving Defendants respectfully request that this Honorable Court grant their Motion to Dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6) and execute the attached Order dismissing Plaintiff's Complaint against them with prejudice.

Respectfully submitted,
King, Spry, Herman, Freund, & Faul, LLC

Date: October 18, 2022

By: /s/Jody A. Mooney
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